

**BEFORE THE ALABAMA
STATE PERSONNEL BOARD
IN THE MATTER OF**

SHIRLEY A. TAYLOR,)	
)	
Complainant,)	
)	
v.)	CASE NO. 16-38-JJW
)	
APRIL CANNON,)	
)	
Respondent.)	

**RECOMMENDATION TO
THE STATE PERSONNEL BOARD**

This action is based on charges filed against April Cannon (“Respondent”), an employee of the Department of Finance, by Shirley A. Taylor (“Complainant”), who was formerly employed by the Alabama Department of Mental Health. The action was brought pursuant to *Ala. Code* § 36-26-27(b) which provides that charges may be brought for the removal of a State employee by any officer, citizen or taxpayer of the State. Complainant filed her charges with the State Personnel Board on September 28, 2016.

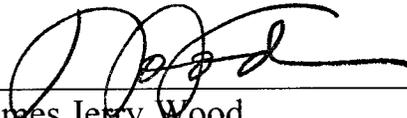
A prehearing conference was held on October 6, 2016. Complainant appeared *pro se* by telephone. David Stevens, Esq., who represents the State Employee Injury Compensation Trust Fund (“SEICTF”) which is administered by the Division of Risk Management of the Department of Finance, participated by telephone on behalf of Respondent.

During the prehearing conference, Complainant stated that she had been injured during the course of her work as an employee of the Alabama Department of Mental Health in December 2015 and again in January 2016. Subsequent to each injury, she filed claims with SEICTF. At some point, a dispute arose between Complainant and SEICTF regarding the manner in which SEICTF decided to adjudicate the claim(s) resulting in Complainant filing an appeal with the SEICTF Review Board pursuant to *Ala. Code* § 36-29A-8. Thereafter, the SEICTF Review Board decided to stay the appeal proceeding upon its discovery that Complainant had recently filed for bankruptcy protection which provides an automatic stay of certain legal proceedings.

Complainant represented during the prehearing conference that rather than making a citizen complaint, the primary purpose of her filing was to seek relief regarding SEICTF's determination of her claims. She stated that she would be contacting the attorney handling her bankruptcy to request that he have the automatic stay provided by the bankruptcy filing lifted so that her appeal before the SEICTF Review Board can proceed.

It is the recommendation of the undersigned that this cause should be **DISMISSED WITHOUT PREJUDICE** subject to the lifting of the automatic stay associated with Complainant's bankruptcy filing and the resolution of her SEICTF Review Board appeal.

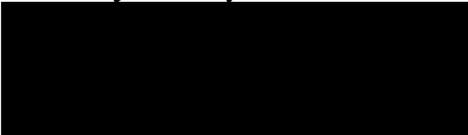
Done this the 7th day of October, 2016.



James Jerry Wood
Administrative Law Judge
State Personnel Department
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Montgomery, Alabama 36130
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VIA CERTIFIED AND FIRST CLASS U.S. MAIL:

Shirley A. Taylor



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